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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,622	01/16/2002	Wilhelm Mausser	ANDPAT/162/US	4058

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EXAMINER

KIM, SANG K

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/047,622

Applicant(s)

MAUSSER ET AL.

Examiner

SANG KIM

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Objections

Claim 1 is objected to because of the following informalities:

Claim 1, line 10, "the nip" should be --a nip--;

Claim 1, line 6, --and—should be inserted before "while";

Claim 1, line 7, "arm" should be "arm:".

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 3-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the axis" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith, U.S. Patent No. 5611500.

Referring to claims 1 and 4, Smith teaches a process for continuous reeling of a web of paper, comprising the steps of : clamping a horizontal reel (18, 18a, 19, 19a) on a primary arm (17, 17a) in a substantially vertical position above a reel drum (15, 15a); swiveling the primary arm around an axis of the reel drum until the horizontal reel is in a substantially horizontal position resting on the reel drum, and while swiveling the primary arm: running the paper sheet over the reel drum (15, 15a); winding the paper sheet on a core shaft of the horizontal reel; pressing the paper in a nip between the horizontal reel (18, 18a, 19, 19a) and the reel drum (15, 15a); and measuring the value of the pressure force in the nip directly whereby frictional losses associated with other process components are eliminated; and controlling the pressure force in the nip at a desired level, using the measured value of the pressure force, during the entire winding process from the moment of taking over the pulp sheet onto a core shaft of the horizontal reel until the horizontal reel is pulled away from the reel drum, as shown in figures 1-3.

Referring to claim 3, Smith shows the step of controlling the pressure force with a pressure cylinder (14a, 27a, 24, 25), as shown in figures 1 and 3.

Referring to claim 5, Smith teaches a horizontal reel (18, 18a, 19, 19a) adapted for having the sheet wound thereon; a reel drum (15, 15a) adapted for pressing the paper sheet onto the horizontal reel; and a primary arm (17, 17a) including a load sensing device (41, 41', 41''), a plurality of roller bearings (connection of arms 28, 31),

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and hydraulic cylinder (14a, 27a) supported on the roller bearings, the load-sensing device being integrated into the hydraulic cylinder, and the horizontal reel and the paper sheet wound thereon being biased toward the reel drum (15, 15a) by the hydraulic cylinder and integral load sensing device, as shown in figure 3.

It has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison, 69 USPQ 138.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, U.S. Patent No. 5611500, in view of Myren, U.S. Patent No. 6036137.

Referring to claim 8, Smith teaches a secondary arm (23) including a horizontally adjustable holding device (24, 25, etc.) having a load sensing device (32) located on the reel drum, as shown in figure 1.

Myren shows a horizontal reel (26) being supported on a load-sensing device (44, etc.) of the horizontally adjustable holding device (37, 38, etc.), as shown in figures 2 and 3.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Smith to add a load-sensing device to support the horizontal reel as taught by Myren to provide a direct link between the secondary arm and the load sensing device.

Response to Arguments

Claims 2, 6, and 7 are canceled.

Applicant's arguments with respect to claims 1, 3-5 and 8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The limitation added to claim 1 to include clamping a horizontal reel on a primary arm in a substantially vertical position above a reel drum necessitated the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Kim whose telephone number is (703) 305-3712. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703) 308-2688. The fax phone numbers are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

SK

1/15/04


KATHY MATECKI
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